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which is admired by so many American jurists, unsuited to our conditions?

Our critic asserts that the rights of individuals, as well as those of the community, are as fully protected in this country as anywhere in the world. If this be true, what is the explanation for the widespread discontent, both among laymen and lawyers, with the administration of the criminal law?

Again, we are told that "nowhere else has a poor man so good an opportunity to secure a vindication of his rights"; and he adds: "Our appellate courts pass upon trivial claims at the request of litigants of very limited means, and a person without means can prosecute or defend an action as a poor person." How can a person without means avail himself of the privilege of appeal any more in this country than in England? Counsel must be hired and the court expenses of taking an appeal must be met here, as there. Those expenses, as everyone knows, are much higher here than in England. President Taft has over and over again pointed out the disadvantages under which the poor man labors as compared with the wealthy litigant who is able to employ shrewd and able counsel and meet the other expenses of taking appeals. The actual inequalities between the rich and poor under our system are set forth in a convincing article by Mr. Brandon in the last issue of this JOURNAL.

The merits of English procedure have recently been made the subject of an extended study by a committee of the American Institute of Criminal Law and Criminology which spent four months in the courts of England. Their report may be found in the November and January numbers of this JOURNAL, and we believe it is a fair and accurate presentation of the facts. It is based on actual observations of a large number of trials, both in the courts of London and the assizes, and upon conversations with many of the leading judges and barristers. Their conclusions are distinctly favorable to the English system, and we believe it will convince most fair-minded members of the bench and bar in this country.

J. W. G.

LAW REFORM IN CALIFORNIA.

During the past year the problem of criminal-law reform, and especially of criminal procedure, has apparently overshadowed all other questions of public interest in California. And well it may; for we are told that in certain parts of the state the administration of the criminal law has perilously nearly broken down. The state bar association, the San Francisco bar association, as well as the bench, have been wrestling with the problem of how to improve existing conditions. A number

of civic organizations, like the Commonwealth Club of San Francisco, have also been active and influential. Both political parties in their last platforms pledged themselves, if successful, to enact legislation to make the administration of justice more speedy and certain. The legislature at its recent session devoted much of its time to a consideration of this question and enacted as many as eleven different statutes changing the penal code, each of which is designed to improve in some particular the existing procedure. A constitutional amendment was also submitted to the voters providing that no judgment shall be set aside, or new trial granted, in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. This amendment follows closely the provision of the recent act of Congress forbidding reversals by the federal courts in such cases, and is substantially the same as an amendment adopted by the voters of Oregon last November.

Two other amendments to the constitution were proposed: one to permit verdicts in all except capital cases to be returned by ten jurors, and one permitting the court to comment on the failure of the accused to testify in his own behalf. Both, however, failed to receive the constitutional majority required.

Among the statutory changes made in the penal code may be mentioned the following: An act permitting the amendment of indictments by the district attorney when it can be done without prejudice to the substantial rights of the defendant and provided the amendment does not change the offense charged; an act to facilitate the selection of grand jurors and to do away with the evil of quashing indictments because of the possible lack of qualifications by grand jurors; an act compelling accomplices to be witnesses or to produce papers, provided that the testimony or papers shall not be used in any criminal prosecution against the person so testifying; an act giving the state the same number of peremptory challenges as is allowed the accused (formerly he was allowed twice as many); an act changing the method of taking down testimony given before the grand jury; an act relating to the arraignment of the accused; and an act providing for substitute judges in case of the death or disability of the judge before the termination of a trial over which he is presiding.

The desirability of a number of the changes made by this legislation was pointed out by Justice Sloss and Judge Lawlor in their articles

recently published in this JOURNAL. Verily, the movement for a better criminal procedure is making encouraging progress. California is to be congratulated on this auspicious beginning. We are gratified to be informed that the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY "has been of some material assistance in concentrating the sentiment that has produced this legislation." J. W. G.